

Chapter 8 – System Safeguards and Other Federal Requirements

The *No Child Left Behind Act of 2001* (NCLB) reauthorized and amended federal programs established under the *Elementary and Secondary Education Act of 1965* (ESEA). Under NCLB, accountability provisions that formerly applied to only districts and campuses receiving Title I, Part A funds were applied to all districts and campuses. All districts and campuses were evaluated annually for Adequate Yearly Progress (AYP) from the 2002–03 school year through the 2011–12 school year.

On December 10, 2015, the Every Student Succeeds Act (ESSA) reauthorized the ESEA and provides states with new flexibility to develop a state accountability system to meet federal accountability requirements. However, the new accountability provisions of ESSA do not affect the state accountability ratings assigned for the 2016–17 school year.

State Accountability System Safeguards

System safeguards have been established to meet state accountability-related intervention requirements. Performance results are disaggregated to show the performance of each student group on each of the indicators. The purpose of the system safeguard report is to ensure that—in an aggregated district or campus report—substandard performance in one or more areas or by one or more student groups is not disguised by higher performance in other areas or by other student groups.

On August 15, 2017, the system safeguard report will be released on the TEA website. The system safeguard report provides disaggregated results for four components (performance rates, participation rates, graduation rates, and limits on the use of the alternative assessment) for eleven student groups: all students, African American, American Indian, Asian, Hispanic, Pacific Islander, white, two or more races, economically disadvantaged, students served by special education, and English language learners (ELLs). The ELL student group includes both students currently identified as limited English proficient (LEP) and students who have met the criteria for exiting bilingual or English as a Second Language (ESL) programs. These students are no longer classified as LEP for PEIMS reporting and are in the first or second year of monitoring. District- and campus-level system safeguard results will be reported for any student group that meets minimum-size criteria. All student groups have the same target for each of the four components.

The table on the following page shows the 2017 performance targets for both AEAs and non-AEAs that will be used for system safeguards and federal accountability evaluations, where applicable.

Accountability System Safeguard Measures and Targets (Non-AEAs and AEAs)											
	All	African Amer.	Hispanic	White	Amer. Indian	Asian	Pacific Islander	Two or More Races	Econ. Disadv.	Special Ed	ELLs*
Performance Rate Targets - State											
Reading	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mathematics	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Writing	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Science	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Social Studies	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Performance Rate Targets - Federal											
Reading	91%	91%	91%	91%	n/a	n/a	n/a	n/a	91%	91%	91%
Mathematics	91%	91%	91%	91%	n/a	n/a	n/a	n/a	91%	91%	91%
Participation Rate Targets - Federal											
Reading	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Mathematics	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Graduation Rate Targets - Federal **											
4-year	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%	88.5%
5-year	91%	91%	91%	91%	91%	91%	91%	91%	91%	91%	91%
District Limits on Use of Alternative Assessment Results											
Reading-STAAR Alt 2	1%	Not Applicable									
Mathematics-STAAR Alt 2	1%	Not Applicable									

* Both current and monitored ELLs are included in the performance rates, current ELLs only are included in the participation rates, and ever ELLs in high school are included in the federal graduation rates.

** Federal graduation rate targets are applied to state system safeguards and include an improvement target.

State Performance Targets

Performance rates calculated for system safeguards for state accountability are the disaggregated results used to calculate the Index 1 score for reading, mathematics, writing, science, and social studies. The performance target for 2017 is 60 percent of tests meeting or exceeding the Approaches Grade Level standard. It corresponds to the target of 60 in Index 1. While AEAs have a target of 35 for Index 1, the system safeguard target for AEAs is 60. System safeguard targets are the same for AEAs and non-AEAs.

Federal Performance Targets

Performance rates calculated for system safeguards for federal accountability are the disaggregated results used to calculate the Index 1 score for reading and mathematics only. The performance target for 2017 is 91 percent of tests meeting or exceeding the Approaches Grade Level standard. The targets are required for only seven student groups: all students, African American, Hispanic, white, economically disadvantaged, students served by special education, and ELLs. STAAR Alternate 2 students with No Authentic Academic Response (NAAR) or Medical Exception designations are not included in performance calculations.

Federal Participation Targets

The target of 95 percent of students taking a state-administered assessment in reading and mathematics is unchanged from the federal accountability target in prior years. Participation measures are based on STAAR and TELPAS assessment results.

STAAR Alternate 2 students with No Authentic Academic Response (NAAR) designation are included in the participation rate. Students with the medical exception designation are not included in the participation rate. For more information on how participation is calculated, please see Appendix K.

Federal Graduation Rate Goals and Targets

Texas is required by state law to use the National Center for Education Statistics (NCES) dropout definition and the federal calculation for graduation rate.

The long-term statewide goal for the four-year graduation rate is 90 percent. Districts and high schools that do not meet this goal must meet either an annual target toward the four-year graduation rate or an annual target for the five-year graduation rate.

Four-Year Graduation Rate Annual Target: For 2017, the annual target is 88.5 percent of students graduate with a regular high school diploma in four years.

Four-Year Graduation Rate Growth Target: The growth target is a 10 percent decrease in the difference between the prior year graduation rate and the 90 percent goal.

Five-Year Graduation Rate Annual Target: For 2017, the annual target is 91 percent of students graduate with a regular high school diploma in five years.

Limits on Use of Alternative Assessments

The system safeguard reports indicate whether a school district has exceeded the federal limit on use of alternative assessments. Federal limitations require that the number of scores that meet the STAAR Alternate 2 Level II: Satisfactory Academic Performance standard not exceed one percent of the district's total participation. The measures—reported only at the district level—are shown separately for reading and mathematics.

Consequences and Interventions

Interventions pertain to activities that result from the issuance of ratings under the state accountability system. State accountability-related interventions require engaging in the continuous improvement process within the Texas Accountability Intervention System (TAIS). Intervention activities reflect an emphasis on increased student performance, targeted improvement planning, data analysis, needs assessment, and data integrity. Required levels of intervention are determined based on the requirements of the Texas Education Code (TEC), Chapter 39. See the School Improvement Division website at <http://tea.texas.gov/schoolimprovement/> for more information.

Failure to meet the accountability safeguard target for any one target will be addressed through the TAIS continuous improvement process. If the campus or district is already identified for assistance or intervention in the TAIS based on the current-year state accountability rating or prior-year state or federal accountability designations, performance on the safeguard indicators will be incorporated into that improvement effort. If the campus or district received a rating of *Met Standard*, performance on the safeguard indicators will be addressed through intervention activities in TEC Chapter 11 improvement plans. The level of intervention and support the

campus or district receives is based on performance history as well as current-year state accountability rating and performance on the safeguard measures.

Federal Accountability Requirements

Where applicable, the data used to calculate system safeguard results are also used to meet federal accountability requirements, such as district evaluations for Title III Annual Measurable Achievement Objectives (AMAOs), the USDE Office of Special Education Programs (OSEP) State Performance Plan (SPP), and the State Annual Performance Report (APR).

The minimum-size criteria used for federal accountability requirements, however, differs from the minimum-size criteria used for state accountability. The table below compares the criteria for state and federal accountability.

2017 System Safeguard Minimum Size Criteria			
		State System Safeguards	Federal Accountability Requirements*
Performance Rates	All Students	None (Small Numbers Analysis applied)	25 (No Small Numbers Analysis applied)
	Student Groups	25	25 and 10%; or 200**
Participation Rates	All Students	None (Small Numbers Analysis applied)	25 (No Small Numbers Analysis applied)
	Student Groups	25	25 and 10%; or 200**
Federal Graduation Rates	All Students	None (Small Numbers Analysis applied)	10 (No Small Numbers Analysis applied)
	Student Groups	25	25 and 10%; or 200**

* Where applicable, these minimum-size criteria are applied to meet the assessment and accountability requirements of the Title III Annual Measurable Achievement Objectives (AMAOs) and USDE Office of Special Education Programs (OSEP).

Federal minimum size criteria is 25 or more students in the student group, and the student group must comprise at least 10 percent of all students; **or 200 or more students in the student group, even if that group represents less than 10 percent of all students.

The approved ESEA flexibility waiver is available online at http://tea.texas.gov/Texas_Schools/Waivers/NCLB-ESEA_Waiver_Information/.

The current Priority, Focus, and Reward Schools lists, methodology, and student groups evaluated are available at http://tea.texas.gov/Student_Testing_and_Accountability/Monitoring_and_Interventions/School_Improvement_and_Support/Priority_Focus_and_Reward_Schools/.

Chapter 9 – Responsibilities and Consequences

State Responsibilities

The Texas Education Agency (TEA) is responsible for the state accountability system and other statutory requirements related to its implementation. As described in “Chapter 8 – System Safeguards and Other Federal Requirements” and “Chapter 9 – Responsibilities and Consequences,” TEA applies a variety of system safeguards to ensure the integrity of the system. TEA is also charged with taking actions to intervene when conditions warrant.

District Accreditation Status

State statute requires the commissioner of education to determine an accreditation status for districts and charters. Accreditation statuses were first assigned to districts under this statute in 2007. To determine accreditation status and sanctions, TEA considers the district’s state and financial accountability ratings. There are other factors that may be considered in the determination of accreditation status. These include, but are not limited to, the integrity of assessment or financial data used to measure performance, the reporting of Public Education Information Management System (PEIMS) data, and serious or persistent deficiencies in programs monitored in the Performance-Based Monitoring Analysis System (PBMAS). Accreditation status can also be lowered because of data integrity issues or special accreditation investigations. The four possible accreditation statuses are *Accredited*, *Accredited-Warning*, *Accredited-Probation*, and *Not Accredited-Revoked*.

Rules that define the procedures for determining a district’s accreditation status, as well as the prior accreditation statuses for all districts and charters in Texas are available at <http://tea.texas.gov/accredstatus/>.

Determination of Multiple-Year *Improvement Required* Status

In determining consecutive years of *Improvement Required* ratings for purposes of accountability interventions and sanctions, only years that a campus is assigned an accountability rating shown below will be considered.

- 2013–2017: *Met Standard*, *Met Alternative Standard*, *Improvement Required*
- 2012: [No State Accountability Ratings Issued]
- 2004–2011: *Exemplary*, *Recognized*, *Academically Acceptable*, *Academically Unacceptable*, *AEA: Academically Acceptable*, *AEA: Academically Unacceptable*

While no ratings were issued in 2012, an *Improvement Required* rating assigned in 2013 and *Academically Unacceptable/AEA: Academically Unacceptable* ratings assigned in 2011 are considered as consecutive years. In addition, the consecutive years of *Improvement Required/Academically Unacceptable* ratings may be separated by one or more years of temporary closure or *Not Rated* ratings. This policy applies to districts and charters as well as campuses when *Not Rated* and *Not Rated: Data Integrity Issues* labels are assigned.

PEG Program Campus List

TEA is responsible for producing the list of campuses identified under the Public Education Grant (PEG) criteria. The list of 2018–19 PEG campuses will be released publicly in August 2017. For more information on the PEG program, please see the PEG webpage on the TEA website at <http://tea.texas.gov/PEG.aspx>.

Local Responsibilities

Districts have responsibilities associated with the state accountability system. Primarily these involve following statutory requirements, collecting and submitting accurate data, properly managing campus identification numbers, evaluating and assigning community and student engagement ratings, and implementing an optional local accountability system.

Statutory Compliance

Several state statutes direct local districts and/or campuses to perform certain tasks or duties in response to the annual release of the state accountability ratings. Key statutes are discussed below.

- Public Discussion of Ratings [TEC §11.253 (g)] – Each campus site-based decision-making committee must hold at least one public meeting annually after the receipt of the annual campus accountability rating for discussing the performance of the campus and the campus performance objectives. The confidentiality of the performance results must be ensured before public release. The accountability data tables available on the TEA public website have been masked to protect confidentiality of individual student results.
- Notice in Student Grade Report and on District Website (TEC §§39.361 – 39.362) – Districts are required to publish accountability ratings on their websites and include the rating in the student grade reports. These statutes require districts
 - to include, along with the first written notice of a student's performance that a school district gives during a school year, a statement of whether the campus has been awarded a distinction designation or has been rated *Improvement Required* and an explanation; and
 - by the 10th day of the new school year to have posted on the district website the most current information available in the campus report card and the information contained in the most recent performance report for the district.

For more information on these requirements, please see *Requirement for Posting of Performance Frequently Asked Questions: Notice in Student Grade Report*, available on the TEA website at https://rptsvr1.tea.texas.gov/perfreport/3297_faq.html.

- Public Education Grant (PEG) Program (TEC §§29.201– 29.205) – The PEG program permits parents with children attending campuses that are on the PEG List to request that their children be transferred to another campus in their home district or to a different district. If a transfer is granted to another district, funding is provided to the receiving district. A list of campuses identified under the PEG criteria is released to districts annually. Districts must notify each parent of a student assigned to attend a campus on the PEG List by February 1. For more information on the PEG program, please see *PEG Frequently Asked Questions*, available at http://tea.texas.gov/perfreport/peg_faq.html.aspx.
- Actions Required Due to Low Ratings or Low Accreditation Status – Districts or campuses with an *Improvement Required* rating or *Accredited-Probation/Accredited-Warned* accreditation status will be required to follow directives from the commissioner designed to remedy the identified concerns. Requirements will vary depending on the circumstances for each individual district. Commissioner of education rules that define the implementation details of these statutes are available on the TEA School Improvement Division website in the *Accountability Monitoring* link at <http://tea.texas.gov/schoolimprovement/> and on the TEA Accreditation Status website at <http://tea.texas.gov/accredstatus/>.

Campus Identification Numbers

In a given year, districts may need to change, delete, or add one or more county-district-campus (CDC) numbers due to closing old schools, opening new schools, or changing the grades or populations served by an existing school. Unintended consequences can occur when districts "recycle" CDC numbers.

As performance results of prior years is a component of the accountability system in small-numbers analysis and possible statutorily-required improvement calculations in future years, merging prior-year files with current-year files is driven by campus identification numbers. Comparisons may be inappropriate when a campus configuration has changed. The following example illustrates this situation.

Example: A campus served grades 7 and 8 in 2016, but in 2017, serves as a sixth-grade center. The district did not request a new CDC number for the new configuration. Instead, the same CDC number used in 2016 was maintained (recycled). Therefore, in 2017, grade 6 performance on the assessments may be combined for small-numbers analyses purposes with performance index results, which included grade 7 and 8 performance.

Whether to change a campus number is a serious decision for local school districts. Districts should exercise caution when either requesting new numbers or continuing to use existing numbers when the student population or the grades served change significantly. Districts are strongly encouraged to request new CDC numbers when campus organizational configurations change dramatically.

TEA policy requires school districts and charters to request campus number changes of existing campuses for the current school year by October 1 to ensure time for processing before the PEIMS fall snapshot date in late October. Changes for a subsequent school year will not be processed before November 1. This policy does not apply to new active campuses opening mid-year or campuses under construction.

School districts and charters must consult with the TEA School Improvement Division to change the campus number of a campus rated *Improvement Required*. The consolidation, deletion, division, or addition of a campus identification number does not absolve the district of the state accountability rating history associated with campuses newly consolidated, divided or closed, nor preclude the requirement of participation in intervention activities for campuses that received a rating of *Improvement Required* in August. Should the campus identification number change for a campus with an *Improvement Required* rating, the School Improvement Division will work with the district to determine specific intervention requirements.

Although the ratings history may be linked across campus numbers for purposes of determining consecutive years of *Improvement Required* ratings, data will not be linked across campus numbers. This includes PEIMS data, assessment data, and graduation/dropout data that are used to develop the accountability indicators. Campuses with new campus numbers cannot take advantage of any improvement calculations, if applicable, of the accountability system in which the performance index outcomes may be compared under a new number. Therefore, changing a campus number under these circumstances may be to the disadvantage of an *Improvement Required* campus. This should be considered by districts and charters when requesting campus number changes for *Improvement Required* campuses. In the rare circumstance where a campus or charter

district receives a new campus or district number, the ratings history is linked while the data are not linked across the district numbers.

An analysis to screen for the inappropriate use of campus numbers is part of the TEA data integrity activities described in “Chapter 2 – Accountability Ratings Criteria and Targets.” TEA can assist in establishing new or retiring old campus numbers.

If a school district enters a legal agreement with TEA that requires new district or campus numbers, the ratings history will be linked to the previous district or campus number. In this case, both the district and campus will be rated the first year under the new number. Data for districts and campuses in these circumstances will not be linked. This includes the PEIMS data, assessment data, and graduation/dropout data that are used to develop the accountability indicators. Districts or campuses under a legal agreement with TEA cannot take advantage of any improvement calculations or small-numbers analysis the first year under a new district or campus number.

Community and Student Engagement

Districts are required to annually evaluate and assign ratings of *Exemplary*, *Recognized*, *Acceptable*, or *Unacceptable* to itself and each of its campuses for performance in community and student engagement. Districts must designate local committee(s) to determine the criteria that districts use both to evaluate performance and assign ratings for community and student engagement and to evaluate and indicate compliance with statutory reporting and policy requirements. Therefore, districts should locally maintain the documents that were developed to determine the performance rating and compliance status for the district and each campus.

By August 8, districts must report each rating to TEA and the public. TEA will report the performance ratings and compliance status for community and student engagement indicators reported by school districts on the agency website no later than October 1.

For more information, please see *Requirement for Posting of Performance Frequently Asked Questions: Community and Student Engagement Posting Requirements*, available on the TEA website at https://rptsrv1.tea.texas.gov/perfreport/3297_faq.html.

Complementary Local Accountability Systems

Although the statewide accountability system has been designed to address the guiding principles described in “Chapter 1 – Introduction,” it is not a comprehensive system of performance evaluation. Communities across Texas have varied needs and goals for the school districts educating their students. Local systems of accountability can best address those priorities.

Districts are encouraged to develop their own complementary local accountability systems to plan for continued student performance improvement. Such systems are entirely voluntary and for local use only. Performance on locally-defined indicators does not affect the ratings determined through the statewide system.

Examples of locally-defined indicators include but are not limited to the following:

- Level of parent participation
- Progress on locally-administered assessments
- Progress on goals identified by campus improvement plans
- Progress compared to other campuses in the district
- Progress on professional development goals
- School safety measures

As a different approach, districts may choose to expand the state-designated accountability ratings. For example, they may wish to further differentiate among campuses rated *Met Standard*.

A third approach might be to examine the accountability indicators that comprise the performance indices, both currently in use and planned for implementation, that fall short of local expectations. Additional performance measures could be constructed to track efforts to improve performance in those areas.

Regardless of the strategy chosen, local accountability systems should be designed to serve the needs of the local community and to improve performance for all students.

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